

## **REMARKS**

Claims 1-38 are currently pending in the application. No claims are amended, cancelled, or added. Reconsideration and allowance of all the rejected claims are respectfully requested in view of the following remarks.

### **Telephone Interview with Examiner**

Applicants would like to thank the Examiner for extending the courtesy of a telephone interview to Applicants' representative on August 25, 2005. The Examiner and Applicants' representative discussed claims 1, 9, 10, and 12, as well as the cited references. Particularly, Applicants' representative pointed out several claim elements that were not disclosed in any of the cited references. Additionally, Applicant's representative informed the Examiner that several claim elements were not addressed in the Final Office Action.

### **REJECTION UNDER 35 U.S.C. § 103(a)**

Claims 1-38 are currently rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,594,466, to Harned et al. ("Harned") in view of U.S. Patent No. 6,075,938 to Bugnion et al. ("Bugnion"), U.S. Patent No. Re. 36,462 to Chang et al. ("Chang") or U.S. Patent No. 5,621,912 to Borruso et al. ("Borruso").<sup>1</sup> Applicants traverse these rejections for at least the reasons that the combination of Harned and any of the applied secondary references fails to disclose, teach, or suggest all of the claim elements.

Claim 1 recites, among other things, presenting one or more examination items to the user, wherein the examination items include a practical exercise, associating one or more virtual machines with the practical exercise, and launching the one or more virtual machines so that the user can use the virtual machines to perform the task, wherein the one or more virtual machines are configured to run an operating system. The virtual machines are pre-configured to provide

---

<sup>1</sup> The Examiner applied multiple 35 U.S.C. § 103(a) rejections to the claims. The primary reference used in each rejection is Harned.

the necessary functions to a test taker to complete the tasks. At least these features are not taught or suggested by the combination of Harned and Bugnion, Chang, and/or Borruso.

Harned apparently discloses a training system that may include a plurality of exercise modules associated with a plurality of exercises that may demonstrate to a user in an interactive fashion how to use a target software package (see Harned at col. 5, lines 6-18). These modules may walk the user through an exercise with a demonstration, such as an animated demonstration (see Harned at col. 5, lines 19-30). However, Harned does not disclose that the interactive exercises comprise an examination including a practical exercise. At best, it appears that Harned discloses a tutorial system.

Additionally, Harned fails to disclose associating one or more virtual machines with the practical exercise. Apparently, the tutorial training system disclosed by Harned may run on a virtual machine provided within the target software. However, Harned does not disclose that one or more virtual machines may be associated with a particular practical exercise. Rather, it appears that the entire training system may be implemented using a virtual machine. The present invention enables a user's IT skills to be evaluated by associating particular exercises with preconfigured virtual machines. By contrast, the system disclosed by Harned appears only to allow a user to receive a step-by-step tutorial in how to operate the associated software application. The virtual machine apparently allows the tutorial to run, but is not associated with and configured to operate practical exercises. As such, a user's IT skills are not evaluated by the system disclosed by Harned.

Furthermore, Harned fails to disclose launching the one or more virtual machines so that the user can use the virtual machines to perform the task, wherein the one or more virtual machines are configured to run an operating system. The Examiner admits that Harned fails to "disclose expressly wherein the one or more virtual machines are configured to run an operating system," and relies on Bugnion, Chang, and/or Borruso to overcome this deficiency. Even if one or these references does disclose that a virtual machine can run one or more operating systems, none of the applied references disclose launching one or more virtual machines so that the user can perform a task associated with a practical exercise, wherein the virtual machine is configured

to run an operating system. Additionally, none of the applied secondary references remedy the other deficiencies of Harned, as described above.

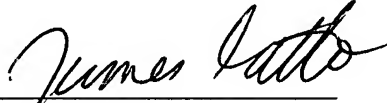
Since none of the applied references, alone or in combination with one another, disclose, teach, or suggest every claim feature, claim 1 is allowable over the cited references. Independent claims 6, 12, 17, 21, and 26 recited features similar to those described above in relation to claim 1. As such, these claims are allowable for at least the reasons described above. Additionally, these claims recite elements not even addressed by the Examiner in broadly rejecting all of the claims. For example, claim 12 recites, among other things, “a disk image file stored on the storage medium, the disk image file being associated with a virtual machine that is associated with the practical exercise.” At least this feature is not taught or suggested by the cited references. In fact, the Examiner does not even allege that this feature is taught by any of the references. Rather, the Examiner has broadly rejected all of the claims without addressing the specific features of any of the claims. If the Examiner insists on maintaining this rejection, the Examiner is requested to provide citations to specific portions of the references that address each and every claim feature. To date this has not been done.

Dependent claims 2-5, 7-11, 13-16, 18-20, 22-25, and 27-38 depend from and add features to independent claims 1, 6, 12, 17, 21, and 26. As such, these claims are allowable at least by virtue of their dependency and the additional features they provide. If the Examiner insists on maintaining the rejections of these claims, the Examiner is requested to provide citations to specific portions of the references that address the features of these dependent claims.

For the foregoing reasons, reconsideration and allowance of all the claims pending in the application are requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: September 13, 2005

Respectfully submitted,



James G. Gatto  
Registration No.: 32694  
PILLSBURY WINTHROP LLP  
P.O. Box 10500  
McLean, Virginia 22102  
703-905-2000

CUSTOMER NO. 00909